

Application No.: 09/556,671
Response dated November 28, 2006
Reply to an Office Action of August 28, 2006
Docket No.: 792-21 RCE2
Page 8

Amendments to the Drawings:

Formal drawing in compliance with 37 C.F.R. § 1.121 (d) are provided in the Appendix following page 14 of this submission. No changes are made to the drawings, and therefore only Replacement Sheets are being provided. Entry of these formal drawings is respectfully requested.

Application No.: 09/556,671
Response dated November 28, 2006
Reply to an Office Action of August 28, 2006
Docket No.: 792-21 RCE2
Page 9

Remarks/Arguments:

Introduction

Claims 1-9, 11-15, 17-24, 27-31, 33-37 and 41-45 are pending.

Claims 1 and 23 have been amended to further describe the endoluminal prosthesis as comprising, *inter alia*, a stent scaffold having V-shaped or quadrilateral-shaped cells, where the stent scaffold consisting essentially of helically wound undulating wires having alternating peaks and valleys to define turns thereat. Support for these amendments may be found in the specification at the last paragraph of page 8 at lines 4-5; at the first paragraph of page 9 at lines 4-5; and at the last paragraph of page 21 at lines 4 and 9-10.

Claims 15 and 31 have been amended to describe that the peaks of adjacent undulating wires as being interconnected. Support for these amendments may be found in the specification at the first paragraph of page 9 at lines 1-4.

No new matter has been added with these claims amendments.

Entry of these claim amendments is respectfully requested.

Objections to the Drawings

Drawings in compliance with 37 C.F.R §1.121(d) are enclosed with this response. No new matter is introduced with these formal drawings. Entry of these formal drawings is respectfully requested.

Section 102 Rejections

Claims 1-9, 11, 15, 17-24, 27, 31, 33-37 and 42-45 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,553,545 to Maass et al (hereinafter "Maass"). Applicant respectfully traverses.

Maass describes a helically shaped coil spring or stent. (Maass, column 1, lines 9-12; Figs. 1-6). Maass, however, fails to disclose, *inter alia*, a stent scaffold having V-shaped or quadrilateral-shaped cells, where the stent scaffold consisting essentially of helically wound undulating wires having alternating peaks and valleys to define turns thereat. Further Maass fails to disclose such a stent scaffold as having the wires and their turns being distributed substantially equally and uniformly displaced along the length of the prosthesis, including being distributed substantially equally and uniformly displaced along the length of the segment of curvature.

Therefore reconsideration and withdrawal of the rejections of claims 1-9, 11, 15, 17-24, 27, 31, 33-37 and 42-45 under 35 U.S.C. §102(b) are respectfully requested.

Section 103 Rejections

Claims 12-14, and 28-30 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Maass in view of U.S. Patent No. 4,994,071 to MacGregor (hereinafter "MacGregor"). Applicant respectfully traverses.

As discussed above, Maass fails to teach or suggest a stent scaffold having V-shaped or quadrilateral-shaped cells, where the stent scaffold consisting essentially of helically wound undulating wires having alternating peaks and valleys to define turns thereat, and fails to teach or suggest such a stent scaffold as having the wires and their turns being distributed substantially equally and uniformly displaced along the length of the prosthesis, including being distributed substantially equally and uniformly displaced along the length of the segment of curvature.

MacGregor, however, fails to cure the deficiencies of Suh. MacGregor describes a bifurcated stent 10 having a main tubular body or lattice 16 and two tubular legs or lattices 20, 23. (MacGregor, column 3, lines 54-68, Fig. 1). The lattices 16, 20, and 22 have a series of

loops 12, 12'', 12', respectively, which are depicted as undulating looped wires. (*Id.*) A longitudinally extending wire 24 interconnects loops 12 and 12' and further interconnects lattices 10 and 22. (MacGregor, column 4, lines 1-4). A second longitudinally extending wire 26 similarly interconnects loops 12 and 12'' and lattices 10 and 20. (MacGregor, column 4, lines 5-10).

The stent portion 16, 20 and 22 are depicted in Figs. 1 and 1A as being substantially straight members, i.e. having no segments of curvature along any longitudinal axis. The wires 24, 26 are substantially straight in the longitudinal direction, i.e., not undulating wires, except for a bend at the point of bifurcation. (MacGregor, column 4, lines 10-14; Fig. 1). Thus, as depicted in Fig. 1, the wires 24, 26 are not undulating wires, and these non-undulating wires do not have turns that are distributed substantially equal along the length of the stent because the wires have only one bend at the point of bifurcation.

Further, MacGregor fails to describe that any of the loops 12, 12', 12'', or undulating wires, may extend through the area of bifurcation, i.e., curvature. In other words, there is a discontinuity of the stent configuration at the area of bifurcation. (see e.g., MacGregor, Fig. 1A). The general depictions of Figs. 2A-3D, which schematically show the placement of the MacGregor stent within body vessels 50, 50a, 50b, depict portions of the stent being curved, but fail further detail the area of bifurcation, i.e., fails to show any wires and their turns being distributed substantially equally along the length of the device, including being distributed substantially equally and uniformly along the portion of curvature.

Thus, MacGregor fails to teach or suggest the claimed limitations because the wires 24, 26 only have one turn at the point of bifurcation and the turn is not therefore equally distributed along the length of the stent. Further, the stent coils 12, 12', 12'' are not equally distributed over the length of the stent due to discontinuity at the point of bifurcation.

Accordingly MacGregor fails to cure the deficiencies of Maass.

Application No.: 09/556,671
Response dated November 28, 2006
Reply to an Office Action of August 28, 2006
Docket No.: 792-21 RCE2
Page 12

Thus, Maass and MacGregor, individually or in combination, fail to teach or suggest the present invention.

Therefore, reconsideration and withdrawal of the rejections of claims 12-14, and 28-30 under 35 U.S.C. §103(a) are respectfully requested.

Summary

Therefore, Applicant respectfully submits that independent claims 1 and 23, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

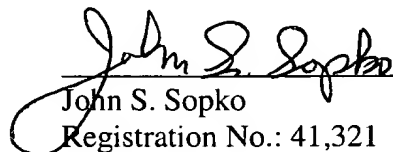
Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is also hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Application No.: 09/556,671
Response dated November 28, 2006
Reply to an Office Action of August 28, 2006
Docket No.: 792-21 RCE2
Page 13

Further, please kindly send all further correspondence relating to the subject application to the attorney of record at the address indicated below.

Respectfully submitted,



John S. Sopko
Registration No.: 41,321
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

Application No.: 09/556,671
Response dated November 28, 2006
Reply to an Office Action of August 28, 2006
Docket No.: 792-21 RCE2
Page 14

APPENDIX

Containing Formal Drawings In The Form Of Replacement Sheets 1-21